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- IS THE ACT OF CONGRESS OF JUNE 11, 1906, KNOWN AS THE "EMPLOYER'S LIABILITY ACT," UNCONSTITUTIONAL? *J. J. McSwain*. Contending that the Act is not unconstitutional *in toto* because the language is so broad as to include a class of cases over which Congress has no power to legislate. 63 Cent. L. J. 356.
- LARCENY FOR DIRECTORS TO CONTRIBUTE TO A POLITICAL CAMPAIGN FUND. *Anon.* Briefly commenting on and agreeing with a recently reversed New York decision which held such action to be larceny. 3 The Law 133. See 19 HARV. L. REV. 611.
- LAWYERS AND CORPORATE CAPITALIZATION. *Edward M. Shepard*. Advocating the repeal of statutes which require corporations to file their specific capitalization and par value of stock at the time of incorporation, as a relief to the evils of fictitious values and consequent loss of public confidence. 18 Green Bag 60r.
- LEGAL ASPECTS OF OUR INTERVENTION IN CUBA. *Edwin Maxey*. Suggesting solutions to several novel questions which may arise under the provisional government of the United States in Cuba. 14 L. Stud. Helper 301.
- LIABILITY OF SURETY FOR PAYMENT OF RENT. *Anon.* Supporting *Stacey v. Hill*, which decided that a surety is not liable on disclaimer by a trustee in bankruptcy of the lessee. 25 L. N. (London) 339.
- LIBEL BY PRAISE. *Anon.* A consideration of a recent Louisiana case commonly said to involve this doctrine. 23 Chi. L. J. 231. See 19 HARV. L. REV. 527.
- PERJURY BY PRISONERS IN THE WITNESS-BOX. *Anon.* Maintaining that convictions for such false swearing are proper, not being double jeopardy or a retrial of *res judicatae*. 70 J. P. 469.
- QUEST FOR ERROR AND THE DOING OF JUSTICE, THE. *Charles F. Amidon*. 40 Am. L. Rev. 681. See *supra*.
- SERVICE OF SUMMONS—ELEMENTS OF ACT—DUTY OF PERSON SERVING ON REFUSAL TO ACCEPT PROCESS. *Anon.* A statement of the New York rules of procedure not found in the civil code. 7 Bench and Bar 25.
- SPLITTING UP CAUSES OF ACTION ON CONTRACT. *Raymond D. Thurber*. Covering the New York law on the subject, and reconciling so far as possible the decisions in various classes of cases. 7 Bench and Bar 13.
- SUITS AGAINST STATES BY INDIVIDUALS IN FEDERAL COURTS. *William Trickett*. 11 The Forum 25. See *supra*.
- TORRENS SYSTEM, THE. *Howell Griswold, Jr.* Advocating a system for recording titles by which the investigation would be done by court officers and the title guaranteed by the state. 13 The Bar 16.
- UNCONTRADICTED TESTIMONY OF INTERESTED WITNESSES. *C. C. M.* Showing the bearing of the New York cases upon the question, and protesting against the separate classification of interested witnesses as to credibility. 10 L. N. (Northport) 147.
- VICE-PRINCIPAL DOCTRINE IN ILLINOIS, THE. *George Haven Miller*. With exhaustive Illinois citations. 1 Ill. L. Rev. 242.
- WHAT IS EQUAL PROTECTION OF LAWS AS APPLIED TO TAX LAWS? *C. R. Skinner*. Arguing that it is not necessary that law should apply to all property in all parts of a political subdivision. 63 Cent. L. J. 318.
- YEAR BOOKS, THE. II. *W. S. Holdsworth*. Their emphasis of the law of real property and pleading. 22 L. Quar. Rev. 360.

II. BOOK REVIEWS.

THE VICTORIAN CHANCELLORS. By J. B. Atlay. In two volumes, with portraits. Volume I. Boston: Little, Brown & Company. 1906. pp. xi, 466. 8vo.

Mr. Atlay's book will appeal to many readers. It will appeal to the student of history and political science, for those who have sat upon the Woolsack have left their impress on legislation and upon the development of constitutional government in England; it will appeal to the lover of biography, because it is an excellent example of that branch of literature, and deals with the careers of interesting and noted men; and it will appeal to lawyers, American as well as English, for they will be glad to read the lives of the men whose labors and decisions have done much to mold the development of equity.

It is difficult, if not impossible, to point out in any other country an office whose holder exercises so many separate functions as does the Lord Chancellor

of England. The office is unique. Its holder is a direct participant in the legislative, the executive, and the judicial functions of the government. He is the presiding officer of the House of Lords, and takes part in legislation; he is an important member of the Cabinet, and takes part in administration; he is at the head of the administration of equity, and he is first among the Law Lords in the highest branch of the Supreme Court of Judicature, — the House of Lords sitting as a court. To fill the office a man must be something more than a mere legislator, than an administrator, than a great lawyer or a good judge. To fill it as it should be filled, he must combine the essential qualities of all. This should be borne in mind as one reads Mr. Atlay's book.

In volume one the author writes of the lives of but three of the Victorian chancellors, — Lyndhurst, Cottenham, and Truro. He includes in the volume Lord Brougham, who was not a Victorian Chancellor, but whose career was so closely allied with the fortunes of his immediate successors that it was necessary for completeness. The lives of Lyndhurst and of Brougham occupy more than four-fifths of the volume; only eighty pages are devoted to Cottenham and to Truro together. We might be disposed to find fault with the disproportion if we did not bear in mind the threefold nature of the Chancellor's office, and the type of man necessary to fill it. Lyndhurst and Brougham were leaders in Parliament, and leaders of their parties in the stirring days of Catholic Emancipation, and the First Reform of Parliament. Cottenham and Truro were of a later time, and were far less prominent in party councils.

In the life of Brougham is an interesting, careful, and apparently unbiased story of the famous trial of Queen Caroline in which Brougham did his most noted service as an advocate, and in which were opposed to him, among others, his friend Sir John Singleton Copley, afterwards Lord Lyndhurst, and the famous James Parke, afterwards Lord Wensleydale.

The book shows painstaking and careful investigation, and throughout the quotations from original sources are useful and apt. The author has handled his material judiciously, and has avoided the position either of an enthusiastic partisan in the one case or unreasoning detractor in the other. The lawyer will perhaps be a little disappointed that Mr. Atlay has not given more space and consideration to an estimate of the legal ability and services of the chancellors; but no question can be made that he has shown with great clearness their position as great public servants in the world of affairs. The book is very readable.

S. H. E. F.

THE PUBLICATIONS OF THE SELDEN SOCIETY. Volume XXI. For the year 1906. BOROUGH CUSTOMS. Volume II. Edited for the Selden Society by Mary Bateson. London: Bernard Quaritch. 1906. pp. clxx, 224. 4to.

This volume deserves much praise for the value of the material which the editor has collected and for the high standard of scholarship which she has displayed in editing her texts. The work as a whole ranks among the best publications of the Selden Society, and is the most valuable contribution to our knowledge of English municipal history produced in recent times. An elaborate introduction explains "how the borough customs differed from the law of the land, why they differed, and in what way they were brought ultimately into such harmony that borough custom has ceased to be a matter of much practical interest." The editor calls attention to the fact that the boroughs long retained many interesting archaic practices derived from Anglo-Saxon and Danish folk-law. She also shows that the borough customs contributed something to the making of the common law.

We have little to offer in the way of criticism. Perhaps the editor is inclined to see "suggestions of high antiquity" in too many borough customs. It is misleading to couple "lot," or right to share in bargains, with "scot," or duty of payment to common charges (p. xlix). An earlier reference to the term of forty weeks in the action of "fresh force" at Oxford than the one mentioned on page cxx will be found in Year Book, 15 Edward III. 478, edited by L. O. Pike.

C. G.